

# Application for resource consent or fast-track resource consent

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Schedule 4). Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — [both available on the Council's web page](#).

## 1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement? ☐ Yes ☒ No

## 2. Type of Consent being applied for

(more than one circle can be ticked):

- |   |   |
|---|---|
| <input type="radio"/> Land Use  | <input type="radio"/> Discharge                           |
| <input type="radio"/> Fast Track Land Use*  | <input type="radio"/> Change of Consent Notice (s.221(3)) |
| <input checked="" type="radio"/> Subdivision  | <input type="radio"/> Extension of time (s.125)           |
| <input type="radio"/> Consent under National Environmental Standard<br>(e.g. Assessing and Managing Contaminants in Soil) |   |
| <input type="radio"/> Other (please specify) _____  |   |

\* The fast track is for simple land use consents and is restricted to consents with a controlled activity status.

## 3. Would you like to opt out of the Fast Track Process?

☒ Yes ☐ No

## 4. Consultation

Have you consulted with Iwi/Hapū? ☐ Yes ☒ No

If yes, which groups have you consulted with?

Who else have you consulted with?

For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council [tehonosupport@fndc.govt.nz](mailto:tehonosupport@fndc.govt.nz)

## 5. Applicant Details

**Name/s:**

Megan Hickman and Philip Mabin

**Email:**

**Phone number:**

**Postal address:**

(or alternative method of  
service under section 352  
of the act)

## 6. Address for Correspondence

*Name and address for service and correspondence (if using an Agent write their details here)*

**Name/s:**

Northland Planning & Development 2020 Ltd

**Email:**

**Phone number:**

**Postal address:**

(or alternative method of  
service under section 352  
of the act)

*\* All correspondence will be sent to the above address unless you would prefer an alternative means of communication.*

## 7. Details of Property Owner/s and Occupier/s

*Name and Address of the Owner/Occupiers of the land to which this application relates  
(where there are multiple owners or occupiers please list on a separate sheet if required)*

**Name/s:**

Megan Louise Hickman and Philip Maurice Mabin

**Property Address/  
Location:**

59 Champion Road

Kaitaia

Postcode

0482

Postcode

0482



## 8. Application Site Details

*Location and/or property street address of the proposed activity:*

**Name/s:**

Megan Hickman and Philip Mabin

**Site Address/  
Location:**

59 Champion Road

Kaitaia

**Postcode**

0482

**Legal Description:**

Lot 2 DP343215

**Val Number:**

00081-59606

**Certificate of title:**

177319

Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

### Site visit requirements:

Is there a locked gate or security system restricting access by Council staff? ☐ Yes ☒ No

Is there a dog on the property? ☒ Yes ☐ No

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. This is important to avoid a wasted trip and having to re-arrange a second visit.

Please contact applicant to arrange site visit.

## 9. Description of the Proposal:

Please enter a brief description of the proposal here. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

Subdivision proposal to create two additional lots in the Rural Production Zone as a Discretionary Activity, A separate resolution under Section 241(3) of the Act is also requested to cancel the existing amalgamation condition which affects the subject site. See AEE for further detail.

If this is an application for a Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s), with reasons for requesting them.

## 10. Would you like to request Public Notification?

☐ Yes ☒ No

### 11. Other Consent required/being applied for under different legislation

(more than one circle can be ticked):

☐ Building Consent

☐ Regional Council Consent (ref # if known)

☐ National Environmental Standard consent

☐ Other (please specify)

### 12. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following:

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL) ☐ Yes ☒ No ☐ Don't know

Is the proposed activity an activity covered by the NES? Please tick if any of the following apply to your proposal, as the NESCS may apply as a result. ☒ Yes ☐ No ☐ Don't know

☒ Subdividing land

☐ Changing the use of a piece of land

☐ Disturbing, removing or sampling soil

☐ Removing or replacing a fuel storage system

### 13. Assessment of Environmental Effects:

*Every application for resource consent must be accompanied by an Assessment of Environmental Effects (AEE). This is a requirement of Schedule 4 of the Resource Management Act 1991 and an application can be rejected if an adequate AEE is not provided. The information in an AEE must be specified in sufficient detail to satisfy the purpose for which it is required. Your AEE may include additional information such as Written Approvals from adjoining property owners, or affected parties.*

Your AEE is attached to this application ☒ Yes

### 13. Draft Conditions:

Do you wish to see the draft conditions prior to the release of the resource consent decision? ☒ Yes ☐ No

If yes, do you agree to extend the processing timeframe pursuant to Section 37 of the Resource Management Act by 5 working days? ☒ Yes ☐ No



## 14. Billing Details:

This identifies the person or entity that will be responsible for paying any invoices or receiving any refunds associated with processing this resource consent. Please also refer to Council's Fees and Charges Schedule.

**Name/s:** (please write in full) Megan Hickman and Philip Mabin

**Email:**

**Phone number:**

**Postal address:**

(or alternative method of service under section 352 of the act)

### Fees Information

An instalment fee for processing this application is payable at the time of lodgement and must accompany your application in order for it to be lodged. Please note that if the instalment fee is insufficient to cover the actual and reasonable costs of work undertaken to process the application you will be required to pay any additional costs. Invoiced amounts are payable by the 20th of the month following invoice date. You may also be required to make additional payments if your application requires notification.

### Declaration concerning Payment of Fees

I/we understand that the Council may charge me/us for all costs actually and reasonably incurred in processing this application. Subject to my/our rights under Sections 357B and 358 of the RMA, to object to any costs, I/we undertake to pay all and future processing costs incurred by the Council. Without limiting the Far North District Council's legal rights if any steps (including the use of debt collection agencies) are necessary to recover unpaid processing costs I/we agree to pay all costs of recovering those processing costs. If this application is made on behalf of a trust (private or family), a society (incorporated or unincorporated) or a company in signing this application I/we are binding the trust, society or company to pay all the above costs and guaranteeing to pay all the above costs in my/our personal capacity.

**Name:** (please write in full)

Philip Maurice Mabin

**Signature:**

(signature of bill payer)

**Date** 10-Jun-2025

**MANDATORY**

## 15. Important Information:

### Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

You may apply for 2 or more resource consents that are needed for the same activity on the same form. You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

### Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement. A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

### Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive information in the proposal. The information you have provided on this form is required so that your application for consent pursuant to the Resource Management Act 1991 can be processed under that Act. The information will be stored on a public register and held by the Far North District Council. The details of your application may also be made available to the public on the Council's website, [www.fndc.govt.nz](http://www.fndc.govt.nz). These details are collected to inform the general public and community groups about all consents which have been issued through the Far North District Council.



### 15. Important information continued...

#### Declaration

The information I have supplied with this application is true and complete to the best of my knowledge.

**Name:** (please write in full)

Philip Maurice Mabin

**Signature:**

[Redacted Signature]

**Date** 10-Jun-2025

*A signature is not required if the application is made by electronic means*

#### Checklist (please tick if information is provided)

- ☒ Payment (cheques payable to Far North District Council)
- ☒ A current Certificate of Title (Search Copy not more than 6 months old)
- ☐ Details of your consultation with Iwi and hapū
- ☒ Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- ☒ Applicant / Agent / Property Owner / Bill Payer details provided
- ☒ Location of property and description of proposal
- ☒ Assessment of Environmental Effects
- ☐ Written Approvals / correspondence from consulted parties
- ☐ Reports from technical experts (if required)
- ☒ Copies of other relevant consents associated with this application
- ☐ Location and Site plans (land use) AND/OR
- ☒ Location and Scheme Plan (subdivision)
- ☐ Elevations / Floor plans
- ☐ Topographical / contour plans

Please refer to Chapter 4 of the District Plan for details of the information that must be provided with an application. Please also refer to the RC Checklist available on the Council's website. This contains more helpful hints as to what information needs to be shown on plans.

## Subdivision Resource Consent Proposal

**Philip Mabin and Megan Hickman**

**59 Champion Road, Kaitaia**

Date: 4/07/2025

Please find attached:

- an application form for a Subdivision Resource Consent to create two additional allotments in the **Rural Production Zone** under the Operative District Plan; and
- an Assessment of Environmental Effects indicating the potential and actual effects of the proposal on the environment.

The subdivision application requires consent under the Operative District Plan as a **Discretionary Activity**. The subdivision is a **Permitted Activity** under the Proposed District Plan.

It is also requested to cancel the existing amalgamation condition which holds Lot 1 DP149868, Allotment 275 Psh of Mangatete and Lot 2 DP343215 together. This is requested to be completed under Section 241(3) of the Act and is requested to be included as a separate resolution within the decision document.

Two new amalgamation conditions are proposed which will hold Proposed Lot 3 and Lot 1 DP149868 together and Proposed Lot 2 and Allotment 275 Psh of Mangatete together.  
**Approval from LINZ will be required for these amalgamations.**

If you require further information, please do not hesitate to contact me.

Regards,



Alex Billot

Resource Planner

Reviewed by:

Sheryl Hansford



Director/Senior Planner

**NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED**



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## **Appendices**

- 1. Far North District Council Application Form**
- 2. Certificate of Title – LINZ**
- 3. Scheme Plan – Von Sturmers Surveyors**





## Assessment of Environment Effects Report

### 1.0 Description of the Proposed Activity

#### Subdivision

- 1.1 At present, the subject site, Lot 2 DP343215, is held within the same Record of Title as Lot 1 DP149868 as well as Allotment 275 Psh of Mangatete. It is proposed to subdivide Lot 2 DP343215 to create two additional allotments. Lot 1 will be a vacant 4ha allotment. Lot 2 will also be a vacant 3.6ha allotment which is to be amalgamated with Allotment 275 Psh of Managatete (bringing the total area to 4.3 hectares) and Lot 3 will be the balance lot of 40 hectares which is to be amalgamated with adjoining Lot 1 DP149868.
- 1.2 For ease of reference, the proposed lot sizes are as follows -
- Lot 1 – 4 hectares
  - Lot 2 – 3.6 hectares – to be amalgamated within Allotment 275 Psh of Managatete (total combined area of 4.3ha)
  - Lot 3 – 40.01 hectares – to be amalgamated with adjoining Lot 1 DP149868 (total combined area over 70ha).

*Areas and measurements are subject to final survey.*

- 1.3 For the purpose of this report, the 'site' will refer to Lot 2 DP343215 only, as the boundaries of Lot 1 DP149868 and Allotment 275 Psh of Mangatete, will remain unchanged and unaffected by the proposed subdivision. These lots will be amalgamated with the newly created lots, such that they will not become independent allotments.
- 1.4 The site is zoned Rural Production and due to the date of the title for Lot 2 DP343215 being post 2000, the proposal is unable to comply with the Restricted Discretionary provisions for the Rural Production zone and will be assessed as a **Discretionary Activity** under the Operative District Plan (ODP).

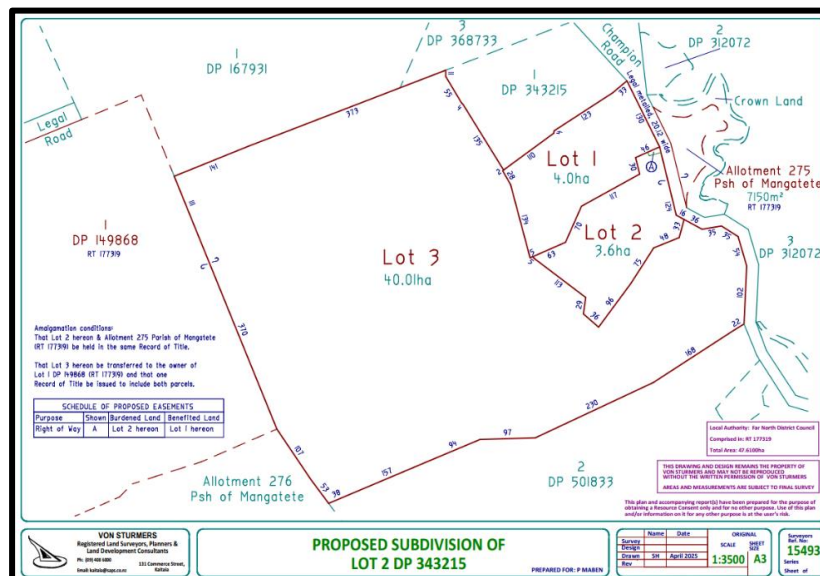


Figure 1: Proposed Scheme Plan.



### Resolution under s241(3) and new amalgamation conditions

1.5 As a result of this proposal, the existing amalgamation condition under Section 241(2) is required to be cancelled as part of this application. This is requested to be completed under Section 241(3) of the RMA and is requested to be included as a separate resolution within the decision document.

1.6 The following resolution in regard to cancellation of the amalgamation condition is requested below:

***Pursuant to section 241(3) of the RMA 1991 Council grants its approval to the cancellation of an amalgamation condition as it applies to Lot 1 DP 149868 & Allotment 275 Psh of Mangatete (RT177319) to be held in the same Record of Title.***

1.7 The following amalgamation conditions are then proposed as part of this application:

***That Lot 2 hereon & Allotment 275 Parish of Mangatete (RT177319) be held in the same Record of Title.***

***That Lot 3 hereon be transferred to the owner of Lot 1 DP149868 (RT 177319) and that one Record of Title be issued to include both parcels.***

## 2. The site and surrounding environment

2.1. The site is located at 59 Champion Road, Kaingaroa. The site currently contains existing accesses which will be utilised as part of the proposed subdivision. There is a farm shed located within what will be the boundaries of proposed Lot 2. It is anticipated that this will most likely be removed upon sale of the lot, as this location provides for a suitable future building location. There is an existing shed located within the balance lot, which is accessed via an existing crossing place and metalled drive within the southern portion of the site. The Applicant has advised that a dwelling is proposed in close proximity to this shed, with the building consent application anticipated to be lodged imminently. The remainder of the site is rolling farmland utilised for grazing of livestock.

2.2. The surrounding environment includes productive land used for farming and rural lifestyle use. The two allotments located to the north of the site (adjoining the site boundaries) have a land area of 4.3ha and 4.8ha and have been developed with residential dwellings, with the remainder of the land utilised for productive use. There are similar sized allotments scattered throughout the area, such that the proposed lot sizes are considered to be consistent with lots in the surrounding environment and will enable similar activities.







*Figure 2: Aerial image of the site and surrounding environment.*

### Site Photos

2.3. A site visit was completed in June 2025, with a compilation of the photos taken below.



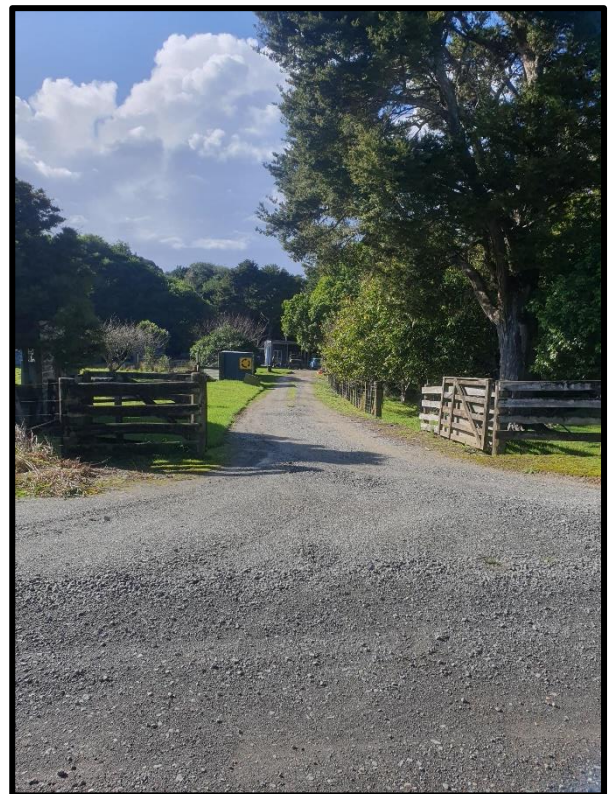
*Figure 3: Image of Proposed Lot 1, with tree on top of hill being a suitable location for future development. Proposed access to Lots 1 & 2 through farmgate shown.*



*Figure 4: Shed on Proposed Lot 2, which is considered to be a suitable area for any future development on the site.*



*Figure 5: Existing internal access to Lot 3.*



*Figure 6: Existing access to Allotment 275.*

### 3. Background

#### Current Title

- 3.1. As mentioned, Lot 2 DP343215, Lot 1 DP149868 and Allotment 275 Parish of Mangatete are held within the same Record of Title 177319. The title is dated 10 March 2005 with a total combined area of 79.7150ha. There are no consent notices or easements registered on the title.

#### Site Features

- 3.2. The site is located within the Rural Production zone under both the Operative District Plan and the Proposed District Plan.
- 3.3. Given the sites rural location, there are no connections to reticulated services such as water supply, wastewater and stormwater.
- 3.4. The subject site is not known to currently or previously have had any activities undertaken which are listed on the HAIL. The site has been utilised for grazing purposes.
- 3.5. The NRC Hazard Maps indicate that there is some localized flooding within the northern portion of the site. This is assumed to follow small creeks/overland flow paths within low-lying





areas of the site. These areas will be contained within the balance lot, Lot 3 and are not considered to adversely affect the proposal, with Proposed Lots 1 & 2 not shown to be susceptible to river flood hazards.



*Figure 7: NRC Hazard Maps*

3.6. NZAA has not mapped any archaeological sites within the site or adjoining allotments.

3.7. The site is not shown to contain any areas of reserve or PNA. There are some features located within the surrounding environment, but none close to the site boundaries which would encroach into the site.

3.8. The site is located within an area noted as having kiwi present in high densities.

3.9. The site is also not known to contain any areas of Outstanding Natural Landscapes or Features or areas of High Natural Character.



*Figure 8: FNDC PNA and Reserves Maps.*

3.10. The sites contain soils of LUC 4 and 6 which are not considered to be highly versatile under the Regional Policy Statement for Northland (RPS). The site is therefore not considered to be classified as highly productive land under the National Policy Statement for Highly Productive Land (NPS-HPL) and no assessment of this higher order document will be undertaken as part of this application.

3.11. The site is not known to be located within a Statutory Acknowledgement Area.



## 4. Activity Status of the Proposal

### Weighting of Plans

- 4.1. Under the Proposed District Plan, the site is zoned as Rural Production.
- 4.2. The Council notified its' PDP on 27 July 2022. The period for public submissions closed on the 21 October 2022. A summary of submissions was notified on the 4 August 2023. The further submission period closed on the 5 September 2023. It is apparent from the summary of submissions relating to the applicable zone that a large number relate to the application of these provisions. Based on the volume and comprehensive nature of these submissions, the Council has confirmed that no other rules will have legal effect until such time as a decision is made on those provisions.
- 4.3. District Plan hearings on submissions are currently underway and are scheduled to conclude in October 2025. No decision on the PDP has been issued. For this reason, little weight is given to the PDP provisions.

### Operative District Plan

- 4.4. The subject site is located within the Rural Production Zone. An assessment of the relevant subdivision, zone and district wide rules of the District Plan is set out in the tables below.

ASSESSMENT OF THE APPLICABLE SUBDIVISION RULES FOR THE RURAL PRODUCTION ZONE:		
<u>PERFORMANCE STANDARDS</u>		
Plan Reference	Rule	Performance of Proposal
13.7.2.1	MINIMUM LOT SIZES	<b>Discretionary Activity.</b>  The title is dated 2005. The proposed lot sizes are 4ha, 4.3ha and 70ha.  Given the title date is post 2000, the proposal cannot comply with the Restricted Discretionary provisions, however the proposed lot sizes can comply with the Discretionary provisions.
13.7.2.2	ALLOTMENT DIMENSIONS	<b>Complies</b>  The minimum dimension is 30m x 30m taking into account the 10m setback. All lots have sufficient area for future built development.
13.7.2.3 – 9	Not Applicable for this application.	

- 4.5. The subdivision proposal is able to meet the **Discretionary** provisions for the Rural Production zone.



### Rural Production zone

- 4.6. Proposed Lot 1 will not contain any impermeable surfaces and will be a vacant site. Proposed Lot 2 will also be vacant and be amalgamated within Allotment 275, which does contain some existing built development which will remain unchanged as part of this proposal. Proposed Lot 2 will contain the proposed private accessway as part of the subdivision. Proposed Lot 3 contains an existing shed as well as metalled access. As such, assessment of Section 8.6.5.1 of the District Plan will be undertaken below.

<b>ASSESSMENT OF THE PERMITTED RURAL PRODUCTION ZONE RULES:</b>		
<b><u>PERFORMANCE STANDARDS</u></b>		
<b>Plan Reference</b>	<b>Rule</b>	<b>Performance of Proposal</b>
<b>8.6.5.1.1</b>	<b>RESIDENTIAL INTENSITY</b>	<b>Permitted</b>  The first dwelling on the site is exempt.
<b>8.6.5.1.2</b>	<b>SUNLIGHT</b>	<b>Permitted</b>  The existing built development in Lot 3 is not located near any new proposed boundaries.
<b>8.6.5.1.3</b>	<b>STORMWATER MANAGEMENT</b>	<b>Permitted.</b>  The impermeable surface coverage within the lots is considered to comply with the permitted threshold of 15% of the total site area.  It is noted a private accessway will be constructed within Lot 2.
<b>8.6.5.1.4</b>	<b>SETBACK FROM BOUNDARIES</b>	<b>Permitted.</b>  The existing built development in Lot 3 is not located near any new proposed boundaries.
<b>8.6.5.1.5</b>	<b>TRANSPORTATION</b>	A full assessment has been undertaken in the table below.
<b>8.6.5.1.6</b>	<b>KEEPING OF ANIMALS</b>	Not applicable.
<b>8.6.5.1.7</b>	<b>NOISE</b>	Not applicable.
<b>8.6.5.1.8</b>	<b>BUILDING HEIGHT</b>	No new buildings sought.
<b>8.6.5.1.9</b>	<b>HELICOPTER LANDING AREA</b>	Not applicable.
<b>8.6.5.1.10</b>	<b>BUILDING COVERAGE</b>	<b>Permitted</b>





		The total building coverage within the lots is anticipated to be less than the permitted allowance of 12.5% of the total site areas.
<b>8.6.5.1.11</b>	<b>SCALE OF ACTIVITIES</b>	Not applicable
<b>8.6.5.1.12</b>	<b>TEMPORARY EVENTS</b>	Not applicable.

## District Wide Matters

Plan Reference	Rule	Performance of Proposal
<b>15.1.6A</b>	<b>TRAFFIC</b>	<b>Permitted Activity</b> The first dwelling on a site is also exempt from this rule. The proposal remains within the permitted threshold for traffic intensity.
<b>15.1.6B</b>	<b>PARKING</b>	<b>Permitted Activity</b> All lots are considered of adequate area to provide for any future parking, if the lots are developed.
<b>15.1.6C.1.1</b>	<b>PRIVATE ACCESSWAY IN ALL ZONES</b>	<b>Permitted.</b> As part of this proposal Easement A will be created for the purpose of right of way. Easement A will be located over Lot 2 to service Lot 1. Therefore, will have a maximum number of 2 users. Appendix 3B-1 requires a legal width of 5 metres and a carriageway width of 3 metres. The private accessway will comply with the provisions under Appendix 3B-1.
<b>15.1.6C.1.2</b>	<b>PRIVATE ACCESSWAYS IN URBAN ZONES</b>	<b>Not applicable.</b>
<b>15.1.6C.1.3</b>	<b>PASSING BAYS ON PRIVATE ACCESSWAYS IN ALL ZONES</b>	<b>Permitted.</b> Easement A is less than 100 metres in length and therefore does not trigger the requirement for passing bays. Vehicle queuing space can be provided for at the vehicle crossing to the legal road.
<b>15.1.6C.1.4</b>	<b>ACCESS OVER FOOTPATHS</b>	<b>Not applicable.</b>
<b>15.1.6C.1.5</b>	<b>VEHICLE CROSSING STANDARDS IN RURAL AND COASTAL ZONES</b>	<b>Permitted.</b> (a) Proposed Lot 3 will be accessed via an existing crossing place from Champion Road. Proposed Lots 1 & 2 will be accessed via a shared crossing place from Champion Road. The crossing places are considered to meet Council standards. (b) Access to proposed lots will be from Champion Road which is not sealed. (c) The minimum width of the private accessway will be 6 metres for at least 6m from the edge of the carriageway.



<b>15.1.6C.1.6</b>	<b>VEHICLE CROSSING STANDARDS IN URBAN ZONES</b>	<b>Not applicable.</b>
<b>15.1.6C.1.7</b>	<b>GENERAL ACCESS STANDARDS</b>	<b>Permitted.</b> (a) The proposed lots have adequate area for parking and manoeuvring. (b) Not applicable. (c) The sides of the driveway will remain in grass. (d) Stormwater will be managed on site.
<b>15.1.6C.1.8</b>	<b>FRONTAGE TO EXISTING ROADS</b>	<b>Permitted</b> (a) Champion Road is considered to meet the legal road width standards. (b) Champion Road is considered to be constructed to the applicable standards. (c) Not applicable. (d) There are no known encroachments of the carriageway into the proposed lots.

### Overall status of the proposal under the Operative District Plan

- 4.7. The subdivision proposal is able to meet the **Discretionary** provisions for the Rural Production zone as per the requirements within 13.7.2.1(i) and the criteria under Section 13.10 will be assessed as part of this application.

### Proposed District Plan

- 4.8. The proposal is also subject to the Proposed District Plan process. Within the Proposed District Plan, the site is zoned Rural Production. Assessment of the matters relating to the Proposed District Plan that have immediate legal effect, has been undertaken below:

<b>Chapter</b>	<b>Rule Reference</b>	<b>Compliance of Proposal</b>
<b>Hazardous Substances</b>	The following rules have immediate legal effect: Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility. HS -R5 relates to a hazardous facility within a scheduled site and area of significance to Maori. HS-R6 relates to a hazardous facility within an SNA. HS-R9 relates to a hazardous facility within a scheduled heritage resource.	<b>Not applicable.</b>  The site does not contain any hazardous substances to which these rules would apply.
<b>Heritage Area Overlays</b>	All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal effect (HA-S1 to HA-S3)	<b>Not applicable.</b>  The site is not located within a Heritage Area Overlay.
<b>Historic Heritage</b>	All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect	<b>Not applicable.</b>



		The site does not contain any areas of historic heritage.
<b>Notable Trees</b>	<p>All rules have immediate legal effect (NT-R1 to NT-R9)</p> <p>All standards have legal effect (NT-S1 to NT-S2)</p> <p>Schedule 1 has immediate legal effect</p>	<p><b>Not applicable.</b></p> <p>The site does not contain any notable trees.</p>
<b>Sites and Areas of Significance to Maori</b>	<p>All rules have immediate legal effect (SASM-R1 to SASM-R7)</p> <p>Schedule 3 has immediate legal effect.</p>	<p><b>Not applicable.</b></p> <p>The site does not contain any sites or areas of significance to Māori.</p>
<b>Ecosystems and Indigenous Biodiversity</b>	<p>All rules have immediate legal effect (IB-R1 to IB-R5)</p>	<p><b>Not applicable.</b></p> <p>The proposal does not include any indigenous vegetation pruning trimming, clearance or associated land disturbance. No plantation forestry activities are proposed. Therefore, the proposal is not in breach of rules IB-R1 to IB-R5.</p>
<b>Subdivision</b>	<p>The following rules have immediate legal effect:</p> <p>SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17</p>	<p><b>Not applicable.</b></p> <p>The subdivision is not an Environmental Benefit Subdivision (SUB-R6), Subdivision of a site with heritage area overlay (SUB-R13), Subdivision of site that contains a scheduled heritage resource (SUB-R14), Subdivision of a site containing a scheduled site and area of significance to Māori (SUB-R15) or Subdivision of a site containing a scheduled SNA (SUB-R17).</p>
<b>Activities on the Surface of Water</b>	<p>All rules have immediate legal effect (ASW-R1 to ASW-R4)</p>	<p><b>Not applicable.</b></p> <p>The proposal does not involve activities on the surface of water.</p>
<b>Earthworks</b>	<p>The following rules have immediate legal effect:</p> <p>EW-R12, EW-R13</p> <p>The following standards have immediate legal effect:</p> <p>EW-S3, EW-S5</p>	<p><b>Permitted.</b></p> <p>Any earthworks will proceed under the guidance of an ADP and will be in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016, in</p>





	As stated above the mapping system records the subject site as containing the Ratana Temple which is located on the adjoining site. Schedule 3 lists the legal description of MS07-18 as being P Ahipara A32A which is the adjoining site.	accordance with Rules EW-12, EW-R13, EW-S3 and EW-S5.
<b>Signs</b>	<p>The following rules have immediate legal effect: SIGN-R9, SIGN-R10</p> <p>All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area</p>	<p><b>Not applicable.</b> No signs are proposed as part of this application.</p>
<b>Orongo Bay Zone</b>	Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water	<p><b>Not applicable.</b> The site is not located in the Orongo Bay Zone.</p>

- 4.9. The assessment above indicates that the proposal is determined to be a **Permitted Activity** in regard to the Proposed District Plan. Therefore, no further assessment of these rules will be undertaken.

### National Environmental Standards

#### National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

- 4.10. The subject site is considered to be productive farmland. The site is not known to have or currently have any activities undertaken which are listed as HAIL. A site visit and review of aerials did not indicate that the site was HAIL. The application has been considered **Permitted** in terms of this regulation.
- 4.11. No other National Environmental Standards are considered applicable to this development. The proposal is permitted in terms of these above-mentioned documents.

## 5. Statutory Assessment

### Section 104B of the Act

- 5.1. Section 104B governs the determination of applications for Discretionary and Non-Complying Activities. With respect to both Discretionary and Non-Complying Activities, a consent authority may grant or refuse an application and impose conditions under section 108.

### Section 104(1) of the Act

- 5.2. Section 104(1) of the Act states that when considering an application for resource consent –

*“the consent authority must, subject to Part II, have regard to –*

*(a) Any actual and potential effects on the environment for allowing the activity; and*



*(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment that will or may result from allowing the activity; and*

*(b) Any relevant provisions of –*

- (i) A national environmental standard*
- (ii) Other regulations*
- (iii) A national policy statement.*
- (iv) A New Zealand Coastal Policy Statement*
- (v) A regional policy statement or proposed regional policy statement.*
- (vi) A plan or proposed plan; and*

*(c) Any other matter the consent authority considers relevant and reasonable necessary to determine the application.'*

- 5.3. Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (as described in section 3 of The Act). Positive effects include that the proposal will allow for the existing farming activities to continue within the balance lot whilst enabling two smaller allotments which have sufficient area for a dwelling as well as undertaking of productive activities. The proposal will not result in any loss of highly versatile soils, as the soils on site are not classified as highly versatile.
- 5.4. Section 104(1)(ab) requires that the consent authority consider 'any measure proposed or agreed to by the applicant for the purposes of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity'. It is considered the proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment. It is considered that all effects can be managed within the proposed lot boundaries.
- 5.5. Section 104(1)(b) requires the consent authority to consider the relevant provisions of the above listed documents. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that the activity may have on the environment has been provided in section 6.
- 5.6. Section 104(1)(c) states that consideration must be given to 'any other matters that the consent authority considers relevant and reasonable, necessary to determine the application'. There are no other matters relevant to this application.

## 6. Environmental Effects Assessment

- 6.1. Having reviewed the relevant plan provisions and taking into account the matters that must be addressed by an assessment of environmental effects as outlined in Clause 7 of Schedule 4 of the Act, the following environmental effects warrant consideration as part of this application.
- 6.2. The subdivision application is considered to be a Discretionary Activity.



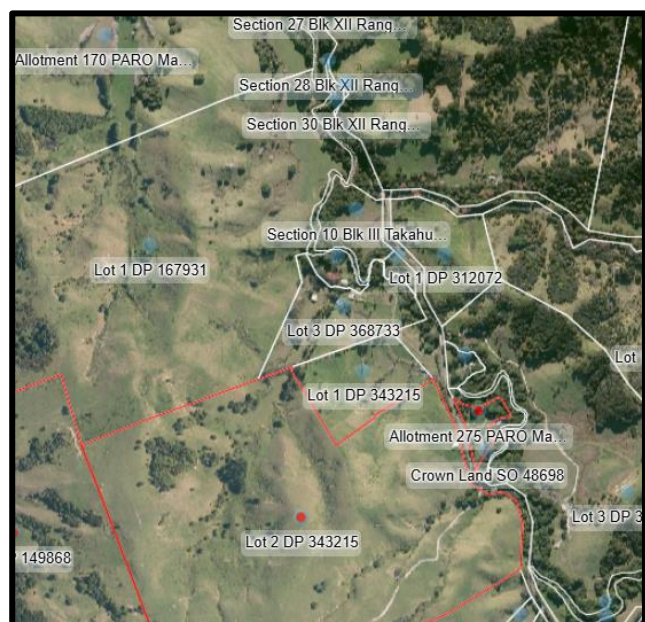
- 6.3. An assessment that corresponds with the scale and significance of the effects on the environment is provided below.

## Subdivision

### Allotment Sizes and Dimensions

6.3.1. The proposal is to subdivide Lot 2 DP343215 to create two additional allotments whilst amalgamating two existing land parcels with two of the proposed allotments. Proposed Lot 1 will become a vacant 4 hectare allotment. Access to this site will be via a shared crossing and private accessway within Proposed Lot 2. Lot 1 is 4ha in area and has several suitable building envelopes available to it to provide for a future dwelling and associated onsite servicing. Proposed Lot 2 will become a vacant 3.6 hectare allotment, which is to be amalgamated with Allotment 275, which is located on the opposite side of the road. This will bring the total combined land area to 4.3 hectares. The Applicant has advised that there is also a suitable building area within Lot 2 which could accommodate associated servicing as well, if the site was to be developed with a residential dwelling in the future. Proposed Lot 3 will become a 40 hectare allotment, which is to be amalgamated with adjoining Lot 1 DP149868, which will bring the total combined area to over 70 hectares. Proposed Lot 3 will be the balance lot and will contain the existing productive activities on the site. It is the intention of the Applicant to retain the ownership of this allotment and build a residential dwelling to reside in. It is considered that the proposed allotments are of sufficient area and dimensions to provide for the intended land use which will be for residential use as well as productive use of the remainder of the lots. The proposed lots are considered of ample size to provide for operational and maintenance requirements.

6.3.2. In regard to the relationship of the proposed allotments and their compatibility with the pattern of adjoining subdivision and land use activities and access arrangements, it is considered that the proposal is consistent with these items. The surrounding environment includes productive land used for farming and rural lifestyle use. The two allotments located to the north of the site (adjoining the site boundaries) have a land area of 4.3ha and 4.8ha and have been developed with a residential dwelling, with the remainder of the land utilised for productive use. This can be seen in Figure 9. There are similar sized allotments scattered throughout the area, such that the proposed lot sizes are considered to be consistent with lots in the surrounding environment and will enable similar activities.



*Figure 9: Subject site and surrounding allotments.*





- 6.3.3. Access to all of the lots are via existing crossing places from Champion Road. Champion Road is a metalled road and is considered to be of good formation. It is considered that the additional traffic movements created by this proposal will be easily absorbed into the existing road network.
- 6.3.4. In regard to the cumulative and long-term implications of the proposal and whether it is sustainable in terms of preservation of the rural environment (the site is not located within the coastal environment and therefore this aspect has not been considered), the proposal is considered to be sustainable due to the fact that the rural use of the sites can remain. The allotments will remain of a size that is anticipated by the plan being able to comply with the Restricted Discretionary Activity lot size provisions (although not the title date) and are considered to be compatible with the existing use of the surrounding environment, being a mix of large productive allotments and smaller rural lifestyle allotments. Given that each site can contain productive activities, it is not considered that there will be any cumulative or long-term implications from the proposal.
- 6.3.5. Overall, it is considered that the proposal provides allotments which are suitable and consistent within the surrounding environment. The cumulative and long-term implications of the proposal are considered to be less than minor, with the preservation of the rural environment remaining intact.

#### **Natural and Other Hazards**

- 6.3.6. Proposed Lots 1 & 2 are not shown to be susceptible to natural hazards. Proposed Lot 3 is shown to be susceptible to river flood hazards, which are located in the northern reaches of the site. As Proposed Lot 3 is to remain in productive use as well as there being ample area within the site for future development, which is not susceptible to natural hazards, it is considered that the proposal does not create any adverse effects in relation to natural hazards.
- 6.3.7. The proposed subdivision will not exacerbate any natural hazards and will remain unchanged as a result.
- 6.3.8. In regard to s106 of the Act, it is considered that there is no significant risk from natural hazards applicable, which would allow Council to refuse subdivision consent. The proposal is not considered to accelerate, worsen or result in material damage of any kind.

#### **Water Supply**

- 6.3.9. The subject site is not within an area serviced by reticulated water.
- 6.3.10. It is anticipated that water supply will be addressed at the time of development within the lots, with the standard consent notice condition being applied. It is anticipated that water supply for potable use and firefighting purposes will be provided by way of roof collection to water tanks.



**Stormwater Disposal**

6.3.11. Runoff will continue to be directed to the natural drainage systems on site. It is considered that the proposed lots have ample available area such that stormwater disposal can be adequately managed within the site boundaries without creating any adverse downstream effects at the time of future development.

6.3.12. It is considered that the proposed lots have adequate area to provide for stormwater disposal via rainwater tanks and attenuation within each lot for any future development and therefore, no effects will be created that are more than minor.

**Sanitary Sewage Disposal**

6.3.13. The site is not benefited by Council's reticulated wastewater scheme.

6.3.14. Proposed Lots 1 & 2 will be vacant, and it is considered that there is ample area within the proposed allotments that can accommodate future wastewater disposal. The sites are not shown to be susceptible to natural hazards and are not considered to have topography which would render onsite wastewater disposal not suitable. It is considered that there is ample area within the sites for future wastewater disposal, which will be at the discretion of future owners.

6.3.15. Proposed Lot 3 will be over 40 hectares in area and will continue to be utilised for farm use. There is an existing consented wastewater system on the site which services the consented shed under EBC-2021-431/0. This will remain unaffected by the proposed subdivision and given the wastewater system was only recently installed, it is considered to be in good working order.

6.3.16. It is therefore considered that the proposal will not create any adverse or cumulative effects in relation to wastewater disposal.

**Energy Supply, Top Energy Transmission Lines and Telecommunications**

6.3.17. The provision for power supply and telecommunications is not a requirement for the Rural Production zone.

6.3.18. The site is not known to be located within 20 metres of an electrical transmission line designed to operate at or above 50kV. If any easements are required over existing Top Energy Lines, these can be provided for at the s223 stage. The provision of energy supply and telecommunications is not anticipated to be a condition of consent for this proposal.

**Easements for any Purpose**

6.3.19. As shown on the scheme plan, one new easement will be created. Easement A will be created over Lot 2 to provide rights of access to Lot 1. No other easements are proposed nor are there any existing easements to be brought forward.

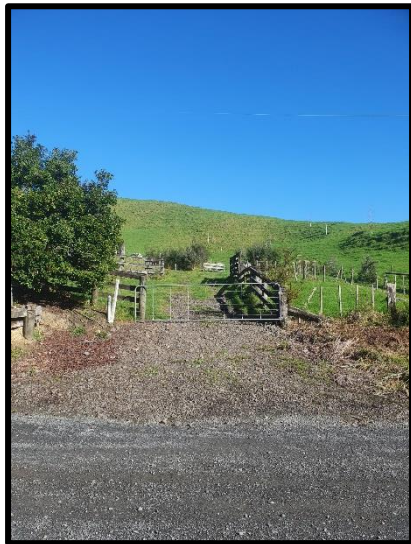
**Provision of Access**

6.3.20. Access to Lots 1 & 2 is proposed via an existing farm access. A private accessway will be utilised to service both allotments. This accessway will be constructed to the current access



standards, as discussed earlier in this report. It is anticipated that if upgrading of the crossing place is required, this will be included as a condition of consent on the decision document.

- 6.3.21. Proposed Lot 3 will also be accessed via an existing farm crossing. There is an existing internal metalled accessway which leads to the consented shed within the site. The crossing is considered to comply with the current engineering standards. It is anticipated that no conditions of consent will be imposed in relation to access to Lot 3.



*Figure 10: Existing crossing which will service Lots 1 & 2.*



*Figure 9: Existing crossing which services Lot 3. Image has been taken from the said crossing, is looking north along Champion Road.*

- 6.3.22. Overall, it is considered that provision of access has been provided for in a way which will not create any adverse effects on the surrounding environment. The existing crossing places are considered to be of adequate formation for the intended use of the lots as well as achieving adequate sight lines.

### **Effect of Earthworks and Utilities**

- 6.3.23. Some minor earthworks may be required to construct the access within Easement A. No other earthworks are anticipated as part of this proposal. Any earthworks will proceed under the guidance of an ADP and will be in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016.

### **Building Locations**

- 6.3.24. It is assumed Proposed Lots 1 & 2 will be utilised for rural-lifestyle use. The lots are considered to contain suitable building platforms within each of the sites as discussed earlier in this report.
- 6.3.25. Proposed Lot 3 is the balance lot with many suitable areas for built development due to the large usable size of the site. It is considered that future building locations will be at the discretion of the new owners, with the Applicant advising they are in the process of preparing





a building consent application for a new dwelling which is to be located near the existing consented shed on the site.

6.3.26. Proposed Lots 1 & 2 are not shown to be susceptible to inundation. Proposed Lot 3 has some areas shown to be susceptible to river flood hazards in the northern reaches of the site, however, this site will be over 40 hectares in area and as such, there are multiple areas on site for building sites, which would not be susceptible to inundation.

6.3.27. The proposed lots are of a sufficient size, such that any future buildings will be able to facilitate passive solar gain if the owner decides to do so.

**Preservation and Enhancement of Heritage Resources, Vegetation, Fauna and Landscape, and Land set aside for Conservation Purposes.**

6.3.28. The site does not contain any known heritage resources that would need to be protected. The site is not known to contain any Sites of Cultural Significance to Māori. The site is not known to have any areas of PNA or reserves, nor does it contain any significant areas of indigenous vegetation that would require protection.

6.3.29. The site is located within an area which is classified as having kiwi present in high densities. Due to the sites remaining of a size where productive use can be undertaken, dogs are still considered necessary for maintaining the productive use of the sites, for assisting with moving of livestock and pest control.

6.3.30. As Lots 1 & 2 are of a size where productive use can remain and therefore, working dogs can assist with controlling of livestock as well as pest control on the sites, it is considered appropriate for each lot to have a two working dog restriction, with a ban on cats and mustelids across all sites.

6.3.31. Proposed Lot 3 will have a total combined area of 70ha and although the *FNDC Practice Note for Significant Flora and Fauna* allows for Planner's discretion to enable no restriction on the number of working dogs on a site of this size, a two working dog restriction has been applied given that it has been requested to allow for two working dogs on Proposed Lots 1 & 2 as well. It is noted that the Applicant is intending to build a dwelling on Proposed Lot 3 and currently has one pet dog and two working dogs, as such it is requested to apply a Grandfather Clause to the pet dog in ownership of the Applicant. The following consent notice condition is therefore proposed for all lots:

*Kiwi high density with working dog provision*

*1. No occupier of, or visitor to the site, shall keep or introduce to the site carnivorous or omnivorous animals (such as cats, dogs or mustelids).*

*A maximum of two working farm dogs as defined in the Dog Control Act 1996 from this condition if they are:*

*a) micro-chipped,*

*b) within a dog proof fence area, on a lead or under effective control at all times when outside the fenced area,*



*c) kept in a kennel or tied up at night.*

*d) For any dog written confirmation that the dog has current kiwi aversion training certification along with the expiry date for the certification*

*Prior to the keeping of introduction of any working dog to the site the occupier must provide the following to the Councils Resource Consent Monitoring Officer:-*

*a) A photograph of the dog;*

*b) Written confirmation that the dog(s) have been micro-chipped;*

*c) A plan showing the extent of the dog proof fenced area*

**[Lots 1, 2 & 3]**

*Grandfather clause for existing dogs*

*Within 2 months of consent being issued provide the Resource Consent Monitoring Officer with evidence for Council's records of the existing dogs on site, this shall include:*

*i. A photograph of the existing dog/s*

*ii. Written confirmation that the dog(s) have been micro-chipped*

**[Lot 3]**

6.3.32. The above is considered to provide a superior outcome as a restriction on dogs will be provided, which will enable Council to control and monitor the number of dogs on the site, whilst enabling the productive use of the site to be maximised. A full restriction on cats and mustelids has been offered, ensuring that bird species within the area are not affected by cats.

6.3.33. It is therefore considered that the proposal will not create any adverse effects on these features. It is anticipated that an advice note will be placed on the decision document advising that the subdivision is to proceed under the guidance of an Accidental Discovery Protocol.

**Soil**

6.3.34. The site contains soils of LUC 4 & 6, both of which are not classified as highly versatile under the RPS or NPS-HPL. As such, no further assessment of the NPS-HPL will be undertaken within this report.

6.3.35. Given that the proposal will provide lots that are of a size that can accommodate a residential dwelling and productive activities, whilst retaining a larger balance lot, it is considered that the proposal does not affect the ability to safeguard the life supporting capability of soil.

**Access to Waterbodies**

6.3.36. It is considered that access to waterbodies is not applicable to this rural subdivision. There is an existing esplanade reserve which separates Allotment 275 from the river boundary. There will be no change to the boundaries of this site, such that it has not been a consideration of this application.



**Land Use Incompatibility**

6.3.37. The surrounding environment includes productive land used for farming and rural lifestyle use.

The two allotments located to the north of the site (adjoining the site boundaries) have a land area of 4.3ha and 4.8ha and have been developed with a residential dwelling, with the remainder of the land utilised for productive use. There are similar sized allotments scattered throughout the area, such that the proposed lot sizes are considered to be consistent with lots in the surrounding environment and will enable similar activities.

6.3.38. In terms of compatibility with land use activities in the area, these range from rural productive and rural lifestyle sections. The proposal will see lots created which are of a size that can accommodate a residential dwelling and productive activities. The proposed allotments will not be incompatible with the productive intent of the zone. It is considered that the proposal is consistent with other land use activities in the area.

6.3.39. It is considered that there is ample area within the proposed lots for a residential dwelling, without reverse sensitivity effects being created. All lots will be over 4 hectares in area, with the balance lot retaining the bulk of the farming unit.

6.3.40. The allotments will remain of a size that is anticipated by the plan as it is able to comply with the Restricted Discretionary Activity lot size provisions, although the title date cannot meet the requirements. The lots will continue to be utilised for productive use.

**Proximity to Airports**

6.3.41. Not applicable as the subject site is not located in close proximity to an airport.

**Natural Character of the Coastal Environment**

6.3.42. Not applicable as the site is not located within the coastal environment.

**Energy Efficient and Renewable Energy Development/Use**

6.3.43. The sites are of adequate size such that any future development can easily incorporate energy efficient buildings.

6.3.44. Items (b) through to (f) are considered irrelevant to this application.

**National Grid Corridor**

6.3.45. The proposal is not within the National Grid Corridor.

**Summary**

6.4. Overall, the proposal provides a superior outcome as restrictions on cats and dogs are provided for whilst enabling productive use on all proposed allotments. The balance lot is of a size where the bulk of the existing productive activities can remain. The proposed allotments are of similar size to those in the immediate and wider environment and will enable activities which already exist in the surrounding environment. The proposal is not considered to create any adverse effects on lots in the surrounding environment.





## 7. Policy Documents

- 7.1. In accordance with section 104(1)(b) of the Act the following documents are considered relevant to this application.

Any relevant provisions of –

- i. FNDC Operative District Plan
- ii. FNDC Proposed District Plan
- iii. National Environmental Standards
- iv. National Policy Statements
- v. Regional Policy Statements

- 7.2. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that activity may have on the environment has been provided below.

### National Environmental Standards

#### National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

- 7.3. In terms of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NES), it is considered that the proposal does not trigger consent under the NES as detailed within Section 4 of this report.

#### Other National Environmental Standards

- 7.4. No other National Environmental Standards are considered applicable to this development.

### National Policy Statements

- 7.5. There are currently 8 National Policy Statements in place. These are as follows:

- National Policy Statement on Urban Development.
- National Policy Statement for Freshwater Management.
- National Policy Statement for Renewable Electricity Generation.
- National Policy Statement on Electricity Transmission.
- New Zealand Coastal Policy Statement.
- National Policy Statement for Highly Productive Land 2022
- National Policy Statement for Indigenous Biodiversity.
- National Policy Statement for Greenhouse Gas Emissions for Industrial Process Heat 2023

- 7.6. It is considered that there are no National Policy Statements applicable to this proposal, including the NPS-HPL as the site is not known to contain soils classified as highly versatile under the RPSN.

### Regional Policy Statement for Northland

- 7.7. The role of the Regional Policy Statement is to promote sustainable management of Northland's natural and physical resources by providing an overview of the regions resource



management issues and setting out policies and methods to achieve integrated management of Northland's natural and physical resources.

- 7.8. An assessment of this subdivision in terms of relevant objectives and policy documents has been undertaken below:

***Objective 3.2 Region-wide water quality***

***Improve the overall quality of Northland's fresh and coastal water with a particular focus on:***

- (a) Reducing the overall Trophic Level Index status of the region's lakes;***
- (b) Increasing the overall Macroinvertebrate Community Index status of the region's rivers and streams;***
- (c) Reducing sedimentation rates in the region's estuaries and harbours;***
- (d) Improving microbiological water quality at popular contact recreation sites, recreational and cultural shellfish gathering sites, and commercial shellfish growing areas to minimise risk to human health; and***
- (e) Protecting the quality of registered drinking water supplies and the potable quality of other drinking water sources.***

***Policy 4.2.1 Improving overall water quality***

***Improve the overall quality of Northland's water resources by:***

- (a) Establishing freshwater objectives and setting region-wide water quality limits in regional plans that give effect to Objective 3.2 of this regional policy statement.***
- (b) Reducing loads of sediment, nutrients, and faecal matter to water from the use and development of land and from poorly treated and untreated discharges of wastewater; and***
- (c) Promoting and supporting the active management, enhancement and creation of vegetated riparian margins and wetlands.***

- 7.8.1. The proposal is not considered to adversely affect any fresh and coastal waters. Future development within the lots is unlikely to trigger any adverse effects on water quality, given the sites do not contain any known wetlands and the lots are of ample area to provide for multiple options for buildable locations.

***3.5 Enabling Economic Wellbeing***

***Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.***

- 7.8.2. The natural and physical resources on the site will be sustainably managed and the allotments will provide for the economic wellbeing of Northland and its communities. The lots will be kept to a sufficient size to enable rural productive activities, whilst also enabling residential development. The economic wellbeing will be enhanced by engaging professionals to carry out the work such as surveying to complete the subdivision.

***3.6 Economic activities – reverse sensitivity and sterilisation***



***The viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either:***

***(a) Reverse sensitivity for existing:***

***(i) Primary production activities;***

***(ii) Industrial and commercial activities;***

***(iii) Mining; Includes aggregates and other minerals. or***

***(iv) Existing and planned regionally significant infrastructure; or***

***(b) Sterilisation of:***

***(i) Land with regionally significant mineral resources; or***

***(ii) Land which is likely to be used for regionally significant***

- 7.8.3. The proposal is not considered to create any reverse sensitivity effects on the industries listed. The proposal will retain productive activities within each allotment, as has been discussed in depth within this report. No industrial or commercial activities are proposed, nor mining or regionally significant infrastructure. The proposal will not result in sterilisation of land as the lots can continue to be utilised for productive use.

#### ***5.1.1 Planned and coordinated development***

***Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:***

***(a) Is guided by the 'Regional Form and Development Guidelines' in Appendix 2;***

***(b) Is guided by the 'Regional Urban Design Guidelines' in Appendix 2 when it is urban in nature;***

***(c) Recognises and addresses potential cumulative effects of subdivision, use, and development, and is based on sufficient information to allow assessment of the potential long-term effects;***

***(d) Is integrated with the development, funding, implementation, and operation of transport, energy, water, waste, and other infrastructure;***

***(e) Should not result in incompatible land uses in close proximity and avoids the potential for reverse sensitivity;***

***(f) Ensures that plan changes and subdivision to / in a primary production zone, do not materially reduce the potential for soil-based primary production on land with highly versatile soils<sup>10</sup>, or if they do, the net public benefit exceeds the reduced potential for soil-based primary production activities; and***

***(g) Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional or district council growth strategies and / or district or regional plan provisions.***

***(h) Is or will be serviced by necessary infrastructure.***

- 7.8.4. Throughout this application we have covered the issues listed within Part A Regional form and development guidelines. Part B Urban Design guidelines and Part C Māori Urban Design principles are not applicable to this rural subdivision. The cumulative effects as a result of this proposal are that allotments will be created which can accommodate a residential activity as well as productive activities. There are a variety of allotment sizes in the surrounding area as well as within close proximity to the subject site, which are consistent with the proposed lot sizes. As such, no cumulative effects are anticipated by the proposal. The long-term effects





of the subdivision are considered positive and will result in enhancement of the productive use of the larger balance lot. This application has discussed the long-term implications in depth, which are considered to be less than minor.

- 7.8.5. The sense of place and character of the surrounding environment is considered to be maintained as the proposal will create allotments which can still contain productive activities, similar to those in the surrounding environment. As mentioned, there are many allotments in the surrounding area, that maintain rural lifestyle blocks. The character of the surrounding environment is rural with a mix of rural-lifestyle allotments and larger productive lots. It is considered that the proposal will not result in any changes or adverse effects on the character and sense of place in the surrounding environment.
- 7.8.6. The proposal is not considered out of character in the surrounding environment and will enhance the site.

### Summary

- 7.9. It can be concluded from the above that the proposal is generally compatible with the intent of the Regional Policy Statement. The proposal is not considered to create any reverse sensitivity effects.

## Far North Operative District Plan

### Relevant objectives and policies

- 7.10. The relevant objectives and policies of the Plan are those related to the Subdivision Chapter, the Rural Environment and the Rural Production Zone. The proposal is considered to create no more than minor adverse effects on the rural environment. The proposal is considered to be consistent with the rural character of the surrounding area and is considered to have negligible effects on the rural amenity value of the area, as the lot sizes in the locality already reflect the size of the lots proposed. The proposal is considered to be consistent with the objectives and policies of the Plan.

### Assessment of the objectives and policies within the Subdivision Chapter

- 7.4 The following assessment is based upon the objectives and policies contained within Sections 13.3 and 13.4 of the District Plan.

#### Objectives

***13.3.1 To provide for the subdivision of land in such a way as will be consistent with the purpose of the various zones in the Plan, and will promote the sustainable management of the natural and physical resources of the District, including airports and roads and the social, economic and cultural well being of people and communities.***

***13.3.2 To ensure that subdivision of land is appropriate and is carried out in a manner that does not compromise the life-supporting capacity of air, water, soil or ecosystems, and that any actual or potential adverse effects on the environment which result directly from subdivision, including reverse sensitivity effects and the creation or acceleration of natural hazards, are avoided, remedied or mitigated.***



***13.3.3 To ensure that the subdivision of land does not jeopardise the protection of outstanding landscapes or natural features in the coastal environment.***

***13.3.4 To ensure that subdivision does not adversely affect scheduled heritage resources through alienation of the resource from its immediate setting/context.***

***13.3.5 To ensure that all new subdivisions provide a reticulated water supply and/or on-site water storage and include storm water management sufficient to meet the needs of the activities that will establish all year round.***

***13.3.6 To encourage innovative development and integrated management of effects between subdivision and land use which results in superior outcomes to more traditional forms of subdivision, use and development, for example the protection, enhancement and restoration of areas and features which have particular value or may have been compromised by past land management practices.***

***13.3.7 To ensure the relationship between Maori and their ancestral lands, water, sites, wahi tapu and other taonga is recognised and provided for.***

***13.3.8 To ensure that all new subdivision provides an electricity supply sufficient to meet the needs of the activities that will establish on the new lots created.***

***13.3.9 To ensure, to the greatest extent possible, that all new subdivision supports energy efficient design through appropriate site layout and orientation in order to maximise the ability to provide light, heating, ventilation and cooling through passive design strategies for any buildings developed on the site(s).***

***13.3.10 To ensure that the design of all new subdivision promotes efficient provision of infrastructure, including access to alternative transport options, communications and local services.***

***13.3.11 To ensure that the operation, maintenance, development and upgrading of the existing National Grid is not compromised by incompatible subdivision and land use activities.***

- 7.11. The subdivision will be consistent with the purpose of the Rural Production zone as the proposed lot sizes can comply with the lot sizes set out under the Restricted Discretionary provisions (although not meeting the title date provision) and are therefore considered to be anticipated by the plan and within the zone. The proposed new allotments will enable *small scale farming and activities ancillary to rural production whilst maintaining and enhancing amenity values associated with the rural environment, and at minimising the likelihood and risk of incompatible land uses establishing in proximity to each other*, further reinforcing the consistency of the proposal with the purpose of the zone. Life supporting capacity of air, water, soil and ecosystems will not be compromised. No reverse sensitivity effects or acceleration of natural hazards are anticipated. The site does not contain any outstanding landscapes or natural features and is not located within the coastal environment. The site does not contain any scheduled heritage resources. Water supply will be provided at the time of built development within the lots. The proposal is considered to result in a superior outcome as it will see two allotments created which can contain a residential dwelling as well as some form of productive use. The proposal will see a restriction on cats and dogs. The proposal is not considered to affect the relationship of Māori and their ancestral land and



other taonga. Electricity supply is not a requirement for this rural subdivision. The proposed lots are of ample area such that any new building can support energy efficient design. Alternative transport options, communications and local services are not a consideration of this rural subdivision. The site is not within the National Grid Yard.

### **Policies**

***13.4.1 That the sizes, dimensions and distribution of allotments created through the subdivision process be determined with regard to the potential effects including cumulative effects, of the use of those allotments on:***

- ***natural character, particularly of the coastal environment;***
- ***ecological values;***
- ***landscape values;***
- ***amenity values;***
- ***cultural values;***
- ***heritage values; and***
- ***existing land uses.***

***13.4.2 That standards be imposed upon the subdivision of land to require safe and effective vehicular and pedestrian access to new properties.***

***13.4.3 That natural and other hazards be taken into account in the design and location of any subdivision.***

***13.4.4 That access to, and servicing of, the new allotments be provided for in such a way as will avoid, remedy or mitigate any adverse effects on neighbouring property, public roads (including State Highways), and the natural and physical resources of the site caused by silt runoff, traffic, excavation and filling and removal of vegetation.***

***13.4.5 That any subdivision proposal provides for the protection, restoration and enhancement of heritage resources, areas of significant indigenous vegetation and significant habitats of indigenous fauna, threatened species, the natural character of the coastal environment and riparian margins, and outstanding landscapes and natural features where appropriate.***

***13.4.6 That the provision of water storage be taken into account in the design of any subdivision.***

***13.4.7 That subdivision recognises and provides for the relationship of Maori and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi.***

***13.4.8 That the objectives and policies of the applicable environment and zone and relevant parts of Part 3 of the Plan will be taken into account when considering the intensity, design and layout of any subdivision.***

- 7.12. The proposed subdivision will not have any adverse impacts on the character, ecological, landscape, amenity, cultural, heritage or existing land uses. The subdivision is in keeping with the surrounding character of the area. Vehicle access is existing to Lot 3, with Lots 1 & 2



proposed to share a vehicle crossing, reducing the number of additional crossing places required. Pedestrian access is not considered applicable to this rural subdivision as it has no links to existing footpaths. Lots 1 & 2 are not shown to be susceptible to natural hazards. Lot 3 does have some susceptibility to flooding within the northern reaches however this lot will be over 40 hectares in area and will remain a working farm. There are also many areas suitable for future built development which are located outside of areas susceptible to inundation. No effects on neighbouring properties, public roads or the natural and physical resources of the site are anticipated. Onsite servicing for any future dwellings/buildings will be provided for at the time of development. The site is not known to contain any heritage resources or areas of protected vegetation. Restrictions on cats and dogs has been offered, which will ensure kiwi habitats are not affected. The site is not located within the coastal environment, nor does it contain any outstanding landscapes or natural features. Water storage will be provided for at the time of built development within the lots. The relationship of Māori is not anticipated to be affected. The objectives and policies of the Rural Environment and Rural Production zone will be undertaken below.

### **Assessment of the objectives and policies within the Rural Environment.**

- 7.13. The following assessment is based upon the objectives and policies contained within Sections 8.3 and 8.4.

#### **Objectives**

***8.3.1 To promote the sustainable management of natural and physical resources of the rural environment.***

***8.3.2 To ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.***

***8.3.3 To avoid, remedy or mitigate the adverse and cumulative effects of activities on the rural environment.***

***8.3.4. To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna***

***8.3.5 To protect outstanding natural features and landscapes.***

***8.3.6 To avoid actual and potential conflicts between land use activities in the rural environment.***

***8.3.7 To promote the maintenance and enhancement of amenity values of the rural environment to a level that is consistent with the productive intent of the zone.***

***8.3.8 To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.***

***8.3.9 To enable rural production activities to be undertaken in the rural environment.***

***8.3.10 To enable the activities compatible with the amenity values of rural areas and rural production activities to establish in the rural environment.***

- 7.13.1. The proposal promotes the sustainable management of natural and physical resources by enabling rural productive activities to continue within each of the sites. The life supporting capacity of the site will not be compromised as has been discussed in detail within this report. No cumulative effects are anticipated as all effects can be managed within the lot boundaries. The site does not contain any outstanding natural features or landscapes. No potential





conflicts between land use activities are anticipated as the lots reflect the existing lot sizes and uses in the surrounding environment. Amenity values will be maintained as each lot can contain some form of productive activities. Superior outcomes are achieved as the proposal will enable a larger balance lot which can continue the existing farming activities. The site does not boast highly versatile soils. The proposal will enable rural production activities to be undertaken in the zone.

### **Policies**

***8.4.1 That activities which will contribute to the sustainable management of the natural and physical resources of the rural environment are enabled to locate in that environment.***

***8.4.2 That activities be allowed to establish within the rural environment to the extent that any adverse effects of these activities are able to be avoided, remedied or mitigated and as a result the life supporting capacity of soils and ecosystems is safeguarded, and rural productive activities are able to continue.***

***8.4.3 That any new infrastructure for development in rural areas be designed and operated in a way that safeguards the life supporting capacity of air, water, soil and ecosystems while protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features, and landscapes.***

***8.4.4 That development which will maintain or enhance the amenity value of the rural environment and outstanding natural features and outstanding landscapes be enabled to locate in the rural environment.***

***8.4.5 That plan provisions encourage the avoidance of adverse effects from incompatible land uses, particularly new developments adversely affecting existing land-uses (including by constraining the existing land-uses on account of sensitivity by the new use to adverse affects from the existing use – i.e. reverse sensitivity).***

***8.4.6 That areas of significant indigenous vegetation and significant habitats of indigenous fauna habitat be protected as an integral part of managing the use, development and protection of the natural and physical resources of the rural environment.***

***8.4.7 That Plan provisions encourage the efficient use and development of natural and physical resources, including consideration of demands upon infrastructure.***

***8.4.8 That, when considering subdivision, use and development in the rural environment, the Council will have particular regard to ensuring that its intensity, scale and type is controlled to ensure that adverse effects on habitats (including freshwater habitats), outstanding natural features and landscapes on the amenity value of the rural environment, and where appropriate on natural character of the coastal environment, are avoided, remedied or mitigated. Consideration will further be given to the functional need for the activity to be within rural environment and the potential cumulative effects of non-farming activities.***

- 7.13.2. As has been discussed throughout this report, the proposal will contribute to the sustainable management of natural and physical resources. The proposal is not anticipated to create any adverse effects. Onsite infrastructure will be developed at the time of built development within the lots. No incompatible land uses are anticipated. The proposal will not affect any areas of significant indigenous vegetation or fauna. The intensity, type and scale of the proposal is considered consistent with development in the area. The amenity value of the rural environment will be maintained. It is considered there is a functional need for the proposal as



it will provide allotments which can contain a residential dwelling as well as rural productive activities, whilst enabling a larger balance lot which can contain the existing farming activities.

## **Assessment of the objectives and policies within the Rural Production Zone**

- 7.14. The following assessment is based upon the objectives and policies contained within Sections 8.6.3 and 8.6.4

### **Objectives**

***8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone.***

***8.6.3.2 To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.***

***8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural environment to a level that is consistent with the productive intent of the zone.***

***8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone.***

***8.6.3.5 To protect and enhance the special amenity values of the frontage to Kerikeri Road between its intersection with SH10 and the urban edge of Kerikeri.***

***8.6.3.6 To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully established activities (reverse sensitivity) within the Rural Production Zone and on land use activities in neighbouring zones.***

***8.6.3.7 To avoid remedy or mitigate the adverse effects of incompatible use or development on natural and physical resources.***

***8.6.3.8 To enable the efficient establishment and operation of activities and services that have a functional need to be located in rural environments. To enable rural production activities to be undertaken in the zone.***

***8.6.3.9 To enable rural production activities to be undertaken in the zone.***

- 7.14.1. The proposal will promote the sustainable management of the natural and physical resources by providing allotments which can retain the existing productive activities and be utilised for productive uses. The proposal enables the efficient use and development of the zone by providing allotments which are not objectionable to the surrounding environment. The lots are of a size where productive use can occur providing for social, economic and cultural wellbeing of people and communities. Amenity values will be maintained as the proposed allotments can provide for a range of activities typical of productive sites. All allotments are of a size that can cater for rural productive use. The site is not located along Kerikeri Road. The proposal is not considered to create any potential conflicts between land uses as demonstrated within Section 6 of this report. The activities have a functional need to be located in the environment and the proposal will enable the existing rural production activities to be undertaken in the zone.

### **Policies**



***8.6.4.1 That the Rural Production Zone enables farming and rural production activities, as well as a wide range of activities, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.***

***8.6.4.2 That standards be imposed to ensure that the off site effects of activities in the Rural Production Zone are avoided, remedied or mitigated.***

***8.6.4.3 That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged.***

***8.6.4.4 That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.***

***8.6.4.5 That the efficient use and development of physical and natural resources be taken into account in the implementation of the Plan.***

***8.6.4.6 That the built form of development allowed on sites with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive be maintained as small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.***

***8.6.4.7 That although a wide range of activities that promote rural productivity are appropriate in the Rural Production Zone, an underlying goal is to avoid the actual and potential adverse effects of conflicting land use activities. 8.6.4.8 That activities whose adverse effects, including reverse sensitivity effects, cannot be avoided remedied or mitigated are given separation from other activities***

***8.6.4.9 That activities be discouraged from locating where they are sensitive to the effects of or may compromise the continued operation of lawfully established existing activities in the Rural Production zone and in neighbouring zones.***

- 7.14.2. The rural production zone provides for a wide range of activities to be carried out; the proposal will retain the productive use of the lot. The potential for effects to arise from this subdivision are less than minor and is not considered to result in incompatibility as demonstrated throughout this report. The proposal enables land uses which are compatible with the existing environment and ensure no reverse sensitivity effects are generated as a result of the proposal. The proposed subdivision is considered to utilize the land in a manner which ensures the amenity values of the Rural Production Zone is maintained. The subdivision proposal will enable the operation and use of the balance lot to remain, such that the productive intent of the land is being maintained. The proposal is not considered to result in any reverse sensitivity effects from lawfully established activities.

### **Proposed District Plan**

- 7.15. Under the Proposed District Plan, the site is zoned Rural Production and therefore an assessment of the objectives and policies within this chapter have been included below. The proposal is considered to create no more than minor adverse effects on the rural environment and is consistent with the rural intent of the surrounding environment and the zone. The proposal is considered to be consistent with the objectives and policies of the Proposed District Plan.



**Rural Production Zone**

- 7.16. An assessment on the relevant objectives and policies within the Rural Production Zone has been addressed below.

**Objectives**

***RPROZ-O1 - The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.***

***RPROZ-O2 - The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.***

***RPROZ-O3 - Land use and subdivision in the Rural Production zone:***

- (a) protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;***
- (b) protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;***
- (c) does not compromise the use of land for farming activities, particularly on highly productive land;***
- (d) does not exacerbate any natural hazards; and***
- (e) is able to be serviced by on-site infrastructure.***

***RPROZ-O4 - The rural character and amenity associated with a rural working environment is maintained.***

- 7.16.1. The proposal will provide allotments which are of a size that can cater for rural productive activities, such as grazing of livestock. This will provide long term protection for current and future generations while providing housing within each lot. The proposed lot sizes are anticipated to be utilised for rural productive use which is considered to be compatible with activities in the environment as well as have a functional need to be located within the Rural Production Zone.
- 7.16.2. The site does not boast highly versatile soils. Proposed Lot 3 is susceptible to localized flooding in the very northern reaches; however, the subdivision will not result in exacerbating natural hazards. No reverse sensitivity effects are anticipated due the existing use of the site, and the use of adjacent properties. The use of the land for productive uses will be retained on all lots.
- 7.16.3. The rural character and amenity will be maintained as the lots will be utilised for some form of productive use. The proposed lot sizes are not objectionable to those in the surrounding environment.

**Policies**



***RPROZ-P1 - Enable primary production activities, provided they internalise adverse effects onsite where practicable, while recognising that typical adverse effects associated with primary production should be anticipated and accepted within the Rural Production zone.***

***RPROZ-P2 - Ensure the Rural Production zone provides for activities that require a rural location by:***

- (a) enabling primary production activities as the predominant land use;***
- (b) enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.***

***RPROZ-P3 - Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.***

***RPROZ-P4 - Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes:***

- (a) a predominance of primary production activities;***
- (b) low density development with generally low site coverage of buildings or structures;***
- (c) typical adverse effects such as odour, noise and dust associated with a rural working environment; and***
- (d) a diverse range of rural environments, rural character and amenity values throughout the District.***

***RPROZ-P5 - Avoid land use that:***

- (a) is incompatible with the purpose, character and amenity of the Rural Production zone;***
- (b) does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;***
- (c) would result in the loss of productive capacity of highly productive land;***
- (d) would exacerbate natural hazards; and***
- (e) cannot provide appropriate on-site infrastructure.***

***RPROZ-P6 - Avoid subdivision that:***

- (a) results in the loss of highly productive land for use by farming activities.***
- (b) fragments land into parcel sizes that are no longer able to support farming activities, taking into account:***
  - 1. the type of farming proposed; and***
  - 2. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.***
- (c) provides for rural lifestyle living unless there is an environmental benefit.***

***RPROZ-P7 - Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:***



- (a) whether the proposal will increase production potential in the zone;***
- (b) whether the activity relies on the productive nature of the soil;***
- (c) consistency with the scale and character of the rural environment;***
- (d) location, scale and design of buildings or structures;***
- (e) for subdivision or non-primary production activities:***
  - i. scale and compatibility with rural activities;***
  - ii. potential reverse sensitivity effects on primary production activities and existing infrastructure;***
  - iii. the potential for loss of highly productive land, land sterilisation or fragmentation***
- (f) at zone interfaces:***
  - i. any setbacks, fencing, screening or landscaping required to address potential conflicts;***
  - ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;***
- (g) the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;***
- (h) the adequacy of roading infrastructure to service the proposed activity;***
- (i) Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;***
- (j) Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6.***

- 7.16.4. The proposal is not considered to create any adverse effects. All effects can be adequately managed within the proposed lot boundaries.
- 7.16.5. The proposal will create allotments that can contain some form of productive activity.
- 7.16.6. No sensitive activities are anticipated to arise from the proposal, with the intended uses existing in the surrounding environment.
- 7.16.7. The rural character will be maintained by the proposal as each lot can accommodate some form of rural productive activity. The proposal is considered to be of low density.
- 7.16.8. The proposal is not considered to create any incompatible land use activities. Due to the size of the lots which can enable rural productive use, it is considered the proposed lots have a functional need to be located in the zone. The proposal is not considered to result in the loss of highly productive land.
- 7.16.9. The proposal will not result in the loss of highly productive land as the soils on site are not classified as highly versatile. The proposed lot sizes are such that each lot will be able to contain productive activities, as is shown within similar lot sizes in the surrounding environment.



- 7.16.10. No adverse effects on historic heritage, cultural values, natural features, landscapes or indigenous biodiversity are anticipated.

## Summary

- 7.17. The above assessment demonstrates that the proposal will be consistent with the relevant objectives and policies and assessment criteria of the relevant statutory documents.

## 8. Section 125 – Lapsing of consent

- 8.1. The Act prescribes a standard consent period of five years in which all works must be undertaken, but this may be amended as determined by the Council. It is requested that the standard five-year provision be applied in this case.

## 9. Notification Assessment – Sections 95A to 95G of The Act

### Public Notification Assessment

- 9.1. Section 95A requires a council to follow specific steps to determine whether to publicly notify an application. The following is an assessment of the application against these steps:

#### **Step 1 Mandatory public notification in certain circumstances**

*(2) Determine whether the application meets any of the criteria set out in subsection (3) and,—*

*(a) if the answer is yes, publicly notify the application; and*

*(b) if the answer is no, go to step 2.*

*(3) The criteria for step 1 are as follows:*

*(a) the applicant has requested that the application be publicly notified:*

*(b) public notification is required under section 95C:*

*(c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.*

- 9.1.1. It is not requested the application be publicly notified and the application is not made jointly with an application to exchange reserve land. Therefore Step 1 does not apply and Step 2 must be considered.

#### **Step 2: Public Notification precluded in certain circumstances.**

*(4) Determine whether the application meets either of the criteria set out in subsection (5) and,—*

*(a) if the answer is yes, go to step 4 (step 3 does not apply); and*

*(b) if the answer is no, go to step 3.*

*(5) The criteria for step 2 are as follows:*

*(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification:*

*(b) the application is for a resource consent for 1 or more of the following, but no other, activities:*

*(i) a controlled activity:*

*(ii) [Repealed]*



*(iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.*

*(iv)[Repealed]*

*(6)[Repealed]*

- 9.1.2. The application is for a subdivision activity assessed as Discretionary. No preclusions apply in this instance. Therefore, Step 3 must be assessed.

**Step 3: If not precluded by Step 2, public notification required in certain circumstances**

*(7) Determine whether the application meets either of the criteria set out in subsection (8) and,—*

*(a) if the answer is yes, publicly notify the application; and*

*(b) if the answer is no, go to step 4.*

*(8) The criteria for step 3 are as follows:*

*(a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:*

*(b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.*

- 9.1.3. No applicable rules require public notification of the application. The proposal is not considered to have a more than minor effects on the environment as detailed in the sections above.

**Step 4; Public notification in special circumstances**

*(9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,—*

*(a) if the answer is yes, publicly notify the application; and*

*(b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under section 95B.*

- 9.1.4. There are no special circumstances that exist to justify public notification of the application because the proposal is for a subdivision within the rural environment where the proposed allotments can retain productive activities which is considered as neither exceptional nor unusual. There are many allotments in the immediate vicinity which are of similar or smaller size to the proposed allotments and hence the proposal is not considered to be exceptional or unusual.

**Public Notification Summary**

- 9.1.5. From the assessment above it is considered that the application does not need to be publicly notified, but assessment of limited notification is required.

**Limited Notification Assessment**

- 9.2. If the application is not publicly notified, a consent authority must follow the steps of section 95B to determine whether to give limited notification of an application.

**Step 1: Certain affected groups and affected persons must be notified.**

*(2) Determine whether there are any—*

*(a) affected protected customary rights groups; or*





*(b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).*

*(3) Determine—*

*(a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and*

*(b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.*

*(4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).*

- 9.2.1. There are no protected customary rights groups or customary marine title groups or statutory acknowledgement areas that are relevant to this application.

**Step 2: Limited notification precluded in certain circumstances.**

*(5) Determine whether the application meets either of the criteria set out in subsection (6) and,—*

*(a) if the answer is yes, go to step 4 (step 3 does not apply); and*

*(b) if the answer is no, go to step 3.*

*(6) The criteria for step 2 are as follows:*

*(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:*

*(b) the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).*

- 9.2.2. There is no rule in the plan or national environmental standard that precludes notification. The application is not for a prescribed activity but is for a subdivision proposal. Therefore Step 2 does not apply and Step 3 must be considered.

**Step 3: Certain other affected persons must be notified**

*(7) In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.*

*(8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.*

*(9) Notify each affected person identified under subsections (7) and (8) of the application. The proposal is not for a boundary activity nor is it a prescribed activity.*

- 9.2.3. The proposal does not include a boundary activity.

- 9.2.4. In deciding who is an affected person under section 95E, a council under section 95E(2):

*(2) The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—*

*(a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and*

*(b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and*

*(c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*



- 9.2.5. A Council must not consider that a person is affected if they have given their written approval or it is unreasonable in the circumstances to seek that person's approval. In this case, there are no parties considered to be adversely affected which would warrant the requirement for written approval.
- 9.2.6. With respect to section 95B(8) and section 95E, the permitted baseline was considered as part of the assessment of environmental effects undertaken in Section 6 of this report, which found that the potential adverse effects on the environment will be minor. In regard to effects on persons, the assessment in Sections 5, 6 & 7 are also relied on, and the following comments made:
- The size of the proposed allotments is consistent with the character of the allotments in the locality. Therefore, the proposed allotment sizes are not objectionable with the surrounding environment.
  - Rural productive use of the sites can be retained with the proposal considered to enhance the variety of productive activities on all allotments.
  - The site will not result in sterilisation of highly productive land and is considered to create a superior outcome in regard to utilizing the land more efficiently.
  - The development is not considered to be contrary to the objectives and policies under the Operative District Plan or Proposed District Plan.
  - All other persons are sufficiently separated from the proposed development and works, such that there will be no effects on these people.
- 9.2.7. Therefore, no persons will be affected to a minor or more than minor degree.
- 9.2.8. Overall, the adverse effects on any persons are considered to be less than minor. Therefore Step 3 does not apply and Step 4 must be considered.

**Step 4: Further notification in special circumstances**

*(10) whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons),*

- 9.2.9. The proposal is to subdivide the site to create two additional allotments. No reverse sensitivity effects or incompatible land use activities are anticipated. It is considered that no special circumstances exist in relation to the application.

**Limited Notification Assessment Summary**

- 9.2.10. Overall, from the assessment undertaken Steps 1 to 4 do not apply and there are no affected persons.

**Notification Assessment Conclusion**

- 9.3. Pursuant to sections 95A to 95G it is recommended that the Council determine the application be non-notified for the above-mentioned reasons.



## 10. Part 2 Assessment

- 10.1. The application must be considered in relation to the purpose and principles of the Resource Management Act 1991 which are contained in Section 5 to 8 of the Act inclusive.
- 10.2. The proposal will meet Section 5 of the RMA as the proposal will sustain the potential of natural and physical resources whilst meeting the foreseeable needs of future generations as the proposal is considered to retain the productive use of the land while still providing for their social, economic and cultural well-being. In addition, the proposal will avoid adverse effects on the environment and will maintain the rural character of the site and surrounding environment.
- 10.3. Section 6 of the Act sets out a number of matters of national importance. These matters of national importance are considered relevant to this application. The proposal is not located within the coastal environment nor are there any known lakes, or wetlands located within the site. The site is not located along the coastal marine area or near lakes or rivers where public access would be required. The site does not contain any known areas of indigenous vegetation which would require protection. The proposal will see a restriction on dogs and a full ban on cats, in order to protect and maintain any kiwi habitats in the area. The site is not known to contain any areas of cultural significance, and the proposal is not considered to affect the relationship of Māori and their culture and traditions. The site is not known to contain any sites of historical significance or be within an area subject to customary rights. The proposal does not increase the risk of natural hazards and will not accelerate, exacerbate or worsen the effects from natural hazards. It is therefore considered that the proposal is consistent with Section 6 of the Act.
- 10.4. Section 7 identifies a number of “other matters” to be given particular regard by a Council in the consideration of any assessment for resource consent, including the maintenance and enhancement of amenity values. The proposal maintains amenity values in the area as the proposal is in keeping with the existing character of the surrounding environment.
- 10.5. Section 8 requires Council to take into account the principals of the Treaty of Waitangi. It is considered that the proposal raises no Treaty issues. The subject site is not known to be located within an area of significance to Māori. The proposal has considered the principals of the Treaty of Waitangi and is not considered to be contrary to these principals.
- 10.6. Overall, the application is considered to be consistent with the relevant provisions of Part 2 of the Act, as expressed through the objectives, policies and rules reviewed in earlier sections of this application. Given that consistency, we conclude that the proposal achieves the purposes of sustainable management set out by Sections 5-8 of the Act.



## 11. Conclusion

- 11.1. The proposal is to undertake a subdivision of the subject site to create two additional allotments. The existing amalgamation condition holding the site in the same title as two other allotments will be cancelled, with new amalgamation conditions proposed. Each proposed lot is of a size where the lots can be utilised for rural productive use as well as contain a dwelling, which is similar to many allotments in the surrounding environment.
- 11.2. Due to the existing pattern of development in the area it is not considered that there are any adverse cumulative effects, and that the proposal does not result in degradation of the character of the surrounding rural environment.
- 11.3. In terms of section 104(1)(b) of the Act, the actual and potential effects of the proposal will be less than minor.
- 11.4. It is also considered that the proposal will have less than minor adverse effects on the wider environment; no persons will be adversely affected by the proposal and there are no special circumstances.
- 11.5. As a Discretionary Activity, the proposal has been assessed against the specific matters and limitations imposed by the District Plan. In accordance with sections 104, 104B, 105 and 106 of the Act in relation to discretionary activities, it is considered appropriate for consent to be granted on a non-notified basis.





## 12. LIMITATIONS

- 12.1. This report has been commissioned solely for the benefit of our client, in relation to the project as described above, and to the limits of our engagement, with the exception that the Far North District Council or Northland Regional Council may rely on it to the extent of its appropriateness, conditions and limitations, when issuing their subject consent.
- 12.2. Copyright of Intellectual Property remains with Northland Planning and Development 2020 Limited, and this report may NOT be used by any other entity, or for any other proposals, without our written consent. Therefore, no liability is accepted by this firm or any of its directors, servants or agents, in respect of any information contained within this report.
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- 12.4. Although this report may be submitted to a local authority in connection with an application for a consent, permission, approval, or pursuant to any other requirement of law, this disclaimer shall still apply and require all other parties to use due diligence where necessary.





**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD**

**Guaranteed Search Copy issued under Section 60 of the Land  
Transfer Act 2017**



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** 177319  
**Land Registration District** North Auckland  
**Date Issued** 10 March 2005

**Prior References**  
NA89B/101

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**Estate** Fee Simple  
**Area** 79.7150 hectares more or less  
**Legal Description** Lot 1 Deposited Plan 149868 and Lot 2  
Deposited Plan 343215 and Allotment 275  
Parish of Mangatete

**Registered Owners**  
Philip Maurice Mabin and Megan Louise Hickman

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**Interests**  
Subject to Section 59 Land Act 1948 (affects part)  
Subject to Part IV A Conservation Act 1987 (affects part)  
Subject to Section 241(2) Resource Management Act 1991 (affects DP 313215)  
11484505.1 Mortgage to ASB Bank Limited - 26.9.2019 at 1:31 pm

